

FILED

JUL 24 2012

U.S. District & Bankruptcy
Court for the District of Columbia

IN THE
UNITED STATES DISTRICT COURT
OF THE DISTRICT OF COLUMBIA
CIVIL-----DIVISION

Edgar Mosquera Gamboa)
(Full Name))
60512-079)
(Register No.) **Plaintiff**)

CIVIL NO. _____

v.)

Case: 1:12-cv-01220
Assigned To : Leon, Richard J
Assign. Date : 7/24/2012
Description: FOIA/Privacy Act

JURY
ACTION

Executive office of U.S.)
(Full Name) **ATTORNEY Defendant**)
Federal Bureau of Investigation

CIVIL COMPLAINT PURSUANT TO 28 U.S.C. §1331

I. Place of present confinement of plaintiff(s): (USP)Victorville
P.O. Box 3900 Adelanto, California 92301

II. Parties to this civil action:

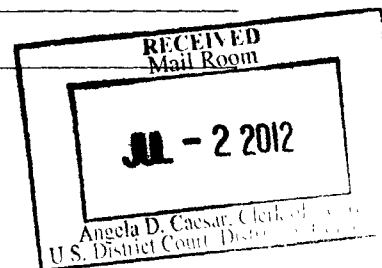
A. Plaintiff Edgar Mosquera Gamboa Register No. 60512-079
Address: (USP)Victorville, Box 3900 Adelanto, Ca. 92301

B. Defendant Executive Office of the U.S. Attorneys
is employed in the capacity of: Department of justice 600 E.St. at the:
N.W., Suite: 7300 Bicentennial Bldg. Washington, D.C. 20530-0001

(For additional plaintiffs or defendants, provide above information in same format on a separate page.)

At the time the claim(s) arose, was this defendant acting in his official capacity as an employee of the United States? Yes ☒ No ☐

Explain: Between 2010 and 2011, The plaintiff submitted (3) F.O.I.A. Request to the defendants request #10-00824-f to (D.F.A., #11-1382 to (UOUSA) and #1172633-000 to the F.B.I., For records sought by myself needed in my criminal case #H-93-82-3, records where never obtained.



Defendant. Federal Bureau Of Investigation
F.B.I. Section chief information dissemination section
record management division.
at 170 Marcel Drive Winchester V.A. 22602-4843

III. Do your claims involve medical treatment? Yes ☐ No ☒

IV. Do you request a jury trial? Yes ☒ No ☐

V. Do you request money damages? Yes ☐ No ☒

VI. Are the wrongs alleged in your complaint continuing to occur? Yes ☒ No ☐

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure? Yes ☒ No ☐

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution? Yes ☐ No ☒

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result(s)).

No grievance was filed on the insitution, concerning this matter because it is not a matter for the insitutioin to handle at all, these maters are and where matters for personal records sought out by myself from other government agencies.

D. If you have not filed a grievance, state the reasons.

the reason is as stated above and to the facts that the institution is'nt involved in these matters of my concern and can'nt deliver the records i seek for post conviction relief i'am seeking through the courts in my criminal conviction.

VIII. Previous cases:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes ☐ No ☒

B. Have you begun other cases in state or federal courts for any other reason except to obtain habeas corpus relief? Yes ☐ No ☒

C. If your answer is "yes" to either of the above questions, provide the following information for each case.

(1) Style (Case Title): -NA- vs. -NA-

(2) Date filed: -NA-

(3) Court where filed: -NA-

(4) Case number and citation: -NA-

(5) Basic claim made: -NA-

(6) Date of disposition: -NA-

(7) Disposition: ☐ Pending ☐ On Appeal ☐ Resolved NONE

(8) If resolved, state whether it was for: ☐ Plaintiff ☐ Defendant NEITHER

(For additional cases, provide the above information in the same format on a separate page.)

IX. Statement of claim:

A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

Mr. William Stewart-Director of the (EOUSA) on 3-30-2011, the petitioner filed request (F.O.I.) to the executive office of U.S. Attorney requesting records from the case No. H-93-82-3 belonging to the petitioner consisting in DEA, lab report No. 's f-3806 and 3808 FBI 302 documentation, vouch index materials, search and or arrest warrants, indictment (both) originals and superceding, affidavits and or statements, forfeiture notices, documentation of evidence seized/confiscated and any and all investigative material. On 6-20-2011, the petitioner received the denial of the request above mentioned, because the records was 'nt located. On 7-19-2011, the petitioner appealed the denied request. On 2-9-2012, The petitioner received response saying that during the appeal the records of this case above mentioned was located, and the appeal committee remanded the (F.O.I.A.) request back to the (EOUSA) for further review and processing of records and the (EOUSA) will send them directly to the petitioner, since that remand above mentioned the petitioner had requested on (4) different occasions the status of my (F.O.I.A.) request of the remanded request originally submitted, on (3-13-12, 4-10-12, 5-9-12, and 6-6-12, However they have ignored the inquiry about the status of my (F.O.I.A.) request.

*SEE: CON'T page on 2nd Defendant ATTACHED PAGE. 3B

B. State briefly your legal theory or cite appropriate authority:

5 USC-552(A)

Oglesby v. Department of the army, 920 f.2d 52.

Mr. David Hardy: F.B.I. Section Chief Record/Information Dissemination section
Record management division.

On 7-29-2010, The petitioner filed F.O.I.A./PA request to the drug enforcement administration D.E.A. Subject: 2(TWO) LAB REPORTS from case CR-H-9382-3. lab report F-3806 and f-3808 from 1993 to present.

On 8-29-2011, The petitioner received a letter from the D.E.A. that the two lab reports requested by the petitioner was D.E.A. documents but the information contained in the documents but the information contained in the documents belong to the federal bureau of investigation (F.B.I.) consequently, the documents are being referred to the (F.B.I.), for review and direct response to the petitioner.

On 10-5-11, The petitioner filed (f.o.i.a.) request to the (F.B.I.) requesting the two lab reports referred to them by (D.E.A.), and any and all records related to the petitioner that this agency (F.B.I.) obtained and stored by using outside parties from 92 to the present.

On 10-18-2011, petitioner received the two lab reports from the (F.B.I.) Lab report f-3806 and f-3808 missing crucial information with regard to this matter, including the name of the forensic chemist, the special agent involved and also! the narrative of the processed proceeding. EXEMPTIONS (b)(7)(c), (b)(7)(f)-(b)(7)(c), (b)(7)(f)(b)(7)(c), (b)(7)(f)-(b)(7)(c).

on 11-3-2011, the petitioner appealed the denial, On 2-14-2012 the appeal was denied under 5 USC-552(b)(6), 5 USC-552(b)(7)(c), and 5 USC-552(b)(7)(f).

Also! on 3-8-2012 the petitioner received respond from the (F.B.I.) in reference to the previous request made on 10-5-2011 saying that they have located approximately 1233 pages which are potentially responsive to such request.

On 3-21-2012, the petitioner wrote a letter to the (F.B.I.) accepting the conditions and agreed to pay the duplications fee's to obtain a paper copy of the documents on 5-9-2012 and 6-6-2012. I had written to the (F.B.I.) respectfully requesting information about the status of the request, but they never responded to my inquiry.

C. Jurisdiction - If you wish to assert jurisdiction under additional statutes, you must list them and explain their significance: None accept 42-1983 civil action.

X. Relief (State briefly exactly what you want the court to do for you. Do not make legal arguments.)

I would like for this honorable court to allow me to obtain the records mentioned in the previous requests #'s 10-00824-F #11-1382 and #1172633-000 without the necessary exemptions so i can move forward with my post conviction litigations.

XI. Counsel:

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name.: None

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes ☐ No ☒

If so, state the name(s) and address(es) of each lawyer contacted.:

-NA-

If not, state your reasons.:

Because i can't afford to hire one, and i believe that this
Matter can be settled without a lawyers involment but if you!
feel that i need one, please appoint me one, because my english
and my understanding of the law are very limited.

C. Have you previously had a lawyer representing you in a civil action in this court?
Yes ☐ No ☒

If so, state the lawyer's name and address:

--NA--

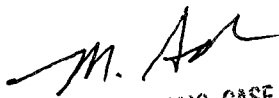
Pursuant to 28 U.S.C. § 1746, I, Edgar Mosquera Gamboa, declare under the
penalty of perjury, that the foregoing is true and correct.

Executed (signed) this 25 day of June, 20 12.



60512-078

Plaintiff, *pro-se*
United States Penitentiary
Victorville FCC
PO Box ~~3333~~ 3900
Adelanto, CA 92301



MIKE ADAMS, CASE MANAGER
"AUTHORIZED BY THE ACT OF
JULY 27, 1955 TO ADMINISTER
OATHS (18 USC 4004)"

6/25/12